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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/045,303

10/29/2001

James H. Stephens JR.

263550US8

1293

22850

7590

10/07/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

SHAW, PELING ANDY

ART UNIT

PAPER NUMBER

2444

NOTIFICATION DATE

DELIVERY MODE

10/07/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10045303	10/29/2001	STEPHENS, JAMES H.	263550US8

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1940 DUKE STREET  
ALEXANDRIA, VA 22314

**EXAMINER**

PELING A. SHAW

ART UNIT	PAPER
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2444

20090930

DATE MAILED:

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**Commissioner for Patents**

1. As per Board's Order Returing Uncoketed Appeal to Examiner issued on 09/19/2009, both Examiner's Answer mailed on 03/05/2009 and Appeal Brief Filed on 11/26/2008 with respect to the Office Action mailed on 05/12/2008 are defective.
2. The status of claim 3, 7-10, 15, and 17-19 rejections under 35 USC § 103(a) needs to be stated clearly in sections of Grounds of Rejections to be Reviewed on Appeal and Grounds of Rejection in the Examiner's Answer and in the section of Grounds of Rejections to be Reviewed on Appeal in the Appeal Brief Filed, e.g. claim 3, 7-10, 15, and 17-19 rejections under 35 USC § 103(a) will stand or fall with the decision on the Appeal of claim 1, 5-6, 11-13, 16 and 20 rejctions under 35 USC § 103(a).
3. Since applicant did mention claim 3, 7-10, 15 and 17-19 rejections under 35 USC § 103(a) in section 3, Status of the Claims of the Appeal Brief Filed and in section VI and VII applicant appeals and argues only on claim 1, 11 and 20 rejections under USC § 103(a). It is clear that applicant intends to have other claims rejections fall or stand with the decision on the appeal of claim 1, 11 and 20 rejections.
4. Applicant is notified of the above analysis.

/Peling A Shaw/  
Examiner, Art Unit 2444